

MINUTES OF
CITY OF ANNA AGENDA NOTICE - CITY COUNCIL WORKSHOP

September 25,2012

6:30 p.m. - Anna City Hall Administration Building

The City Council of the City of Anna met in Workshop Session at 6:30 p.m., September 25, 2012, at the Anna City Hall Administration Building, located at 111 North Powell Parkway (Hwy 5), regarding the following items.

1. Call to Order

Mayor Mike Crist called the meeting to order at 6:30 pm.

2. Roll Call and Establishment of Quorum.

Mayor Mike Crist and Council Members James T. Cook, John Geren, Nathan Bryan and Becky Glover were present. Council Member John Hopewell was absent.

3. Briefing on proposed water and sewer projects.

City Manager, Philip Sanders presented the item to council and introduced Gary Hendricks with Birkhoff, Hendricks & Carter, L.L.P., Professional Engineers who briefed council on proposed water and sewer projects.

Council Member Geren made the motion to enter closed session at 7:20 pm. Council Member Glover seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

4. CLOSED SESSION (EXCEPTIONS): Under Tex. Gov't Code Chapter 551, the City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:

a. consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071). Anticipated litigation with Amazing Solar Solutions; "City of Anna v. City of Weston, Cause No. 380-02570-2011, in the 380th" District Court of Collin County, Texas"; "City of Anna v. Walmart Inc., et al.; Cause No. 429-00288-2009, in the 429th District Court of Collin County, Texas"; NTMWD wastewater customer status request.

b. discuss or deliberate the purchase, exchange, lease, or value of real property (Tex. Gov't Code §551.072); acquisition of park land and acquisition of utility easements.

c. discuss or deliberate personnel matters: City Secretary Annual Review. (Tex. Gov't Code §551.074);

d. Discuss or deliberate Economic Development Negotiations: (1) To discuss or deliberate regarding commercial or financial information that the Board of Directors has received from a business prospect that the Board of Directors seeks to have locate, stay, or expand in or near the territory of the City of Anna and with which the Board is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). (Tex. Gov't Code §551.087): discussion regarding an Economic Development Incentive Agreement for a business looking to locate in Anna.

The council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.

Mayor Crist made the motion to return to open session at 7:29 pm.
Council Member Glover seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

5. Consider/Discuss/Action on any items listed on posted agenda for September 25, 2012 City of Anna City Council Regular Meeting or any Closed Session occurring during this Workshop, as necessary.

Mayor Crist made the motion to take no action. Council Member Geren seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

6. Adjourn.

Council Member Cook made the motion to adjourn at 7:32 pm. Mayor Crist seconded the motion. Motion passes.

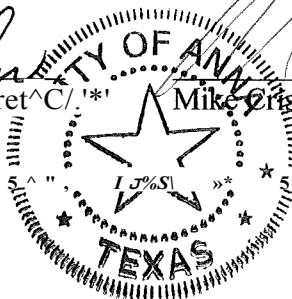
AYE 5 NAY 0 ABSTAIN 0

ATTEST:

APPROVED:


Nath Wilkison, City Secretary


Mike Crist, Mayor



MINUTES OF
CITY OF ANNA AGENDA NOTICE - CITY COUNCIL REGULAR MEETING

September 25, 2012

7:30 p.m. - Anna City Hall Administration Building

The City Council of the City of Anna met in Regular Session at 7:30 p.m., September 25, 2012, at the Anna City Hall Administration Building, located at 111 North Powell Parkway (Hwy 5), to consider the following items.

Welcome to the City Council Meeting. Please sign the Sign-In-Sheet as a record of attendance. If you wish to speak on an open-session agenda item please fill out the Opinion/Speaker Registration Form and turn it in to the City Secretary before the meeting starts.

1. Call to Order.

Mayor Crist called the meeting to order at 7:32 pm.

2. Invocation and Pledge of Allegiance.

Mayor Crist gave the invocation.

3. Citizen comments. *Citizens are allowed 3 minutes to speak. The Council is unable to respond to or discuss any issues that are brought up during this section that are not on the agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.*

None

4. Receive reports from Staff or the City Council about items of community interest. *Items of community interest include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen (but not including a change in status of a person's public office or public employment); a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.*

City Manager, Philip Sanders introduced Fire Chief Tim Gothard to council. Police Chief Jenks mentioned National Night Out is Tuesday, October 2, 2012.

5. Consent Items. *These items consist of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.*

- a. Approve City Council Minutes for August 28,2012 Regular Meeting.**
- b. Approve City Council Minutes for September 4,2012 Special Meeting.**
- c. Issue a Proclamation regarding National Night Out, October 2, 2012. (Chief Jenks)**
- d. Approve a Resolution authorizing the appointment of an Emergency Management Coordinator. (City Manager)**
- e. Approve a Resolution amending the EDC FY 2012 Budget. (Jessica Perkins)**
- f. Approve a Resolution amending the CDC FY 2012 Budget. (Jessica Perkins)**
- g. Approve the Preliminary Plat of West Crossing Phase III. (Maurice Schwanke)**
- h. Approve a Resolution determining not to update land use assumptions, capital improvements plan, or impact fees and directing publication of notice of same. (City Manager)**
- i. Approve a Resolution approving a Project Agreement with the Anna Community Development Corporation. (Jessica Perkins)**
- j. Approve a Resolution authorizing the submission of a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for sewer improvements. (City Manager)**
- k. Approve a Resolution committing matching funds in support of activities proposed in a Texas Community Development Block Grant Program application to the Texas Department of Agriculture for sewer improvements. (City Manager)**
- l. Approve a Resolution approving an annual sponsorship agreement between the EDC and the Greater Anna Chamber of Commerce. (Jessica Perkins)**
- m. Approve a Resolution approving an annual sponsorship agreement between the CDC and the Greater Anna Chamber of Commerce. (Jessica Perkins)**
- n. Review P & Z Minutes of April 2,2012.**
- o. Review P & Z Minutes of May 7,2012.**
- p. Review P & Z Minutes of May 21,2012.**
- q. Review P & Z Minutes of June 11,2012.**
- r. Review P & Z Minutes of August 6,2012.**

Mayor Crist asked to break out item 5(g). Council Member Geren made the motion to approve all consent items except item 5 (g). Council Member Bryan seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

Andrew Michrina spoke on item 5 (g). Mayor Crist complimented staff on handling Mr. Michrina situation promptly. Council Member Glover made the motion to approve item 5 (g). Council Member Geren seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

- 6. Consider/Discuss/Action regarding a Resolution initiating annexation proceedings for certain properties. This property is generally located south of West White Street, East of Ferguson Parkway, and west of Slayter Creek. (Maurice Schwanke)**

Maurice Schwanke, Director of Planning and Development presented the item to council and answered questions. Council Member Geren made the motion to approve. Council Member Glover seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

- 7. Consider/Discuss/Action adopting an ordinance approving a boundary agreement and settlement agreement with the City of Weston. (City Attorney)**

City Attorney, Clark McCoy presented the item to council and recommended approval. Mayor Crist made the motion to adopt an ordinance approving a Boundary Contract with the City of Weston adjusting the boundaries and extraterritorial jurisdiction of Anna and Weston, subject to approval as to form by the City Attorney. Council Member Glover seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

- 8. Consider/Discuss/Action adopting a resolution approving settlement agreement related to *City of Anna v. Walmart Inc. et al*, Cause No. 429-00288-2009, in the 429th District Court of Collin County, Texas. (City Attorney)**

City Attorney, Clark McCoy presented the item to council and recommended approval. Mayor Crist made the motion to adopt a resolution authorizing settlement in the City of Anna v. Walmart lawsuit, subject to approval of the

settlement agreement as to form by the Anna City Attorney. Council Member Bryan seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

9. Consider/Discuss/Action regarding a Resolution approving a Development Agreement for acquisition of property for Slayter Creek Trail. (City Manager)

Philip Sanders, City Manager presented the item to council. Council Member Bryan made the motion to approve. Council Member Geren seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

10. Consider/Discuss/Action regarding a Resolution awarding bid for Slayter Creek Park Phase II. (City Manager)

Philip Sanders, City Manager presented the item to council and answered questions. Council Member Glover made the motion to approve. Council Member Bryan seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

11. Consider/Discuss/Action regarding a Resolution approving Change Order No. 1 with Parkscape Construction Inc. (City Manager)

Philip Sanders, City Manager presented the item to council. Council Member Geren made the motion to approve. Council Member Glover seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

12. Consider/Discuss/Action regarding a Resolution awarding bid for Slayter Creek Trail Phase II. (City Manager)

City Manager, Philip Sanders presented the item to council. Council Member Glover made the motion to approve. Mayor Crist seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

13. Consider/Discuss/Action regarding a Resolution authorizing the purchase of field lighting for Slayter Creek Park. (City Manager)

City Manager, Philip Sanders presented the item to council. Mayor Crist made the motion to approve. Council Member Glover seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

Council Member Cook asked to revisit item I I . Council Member Cook had concerns regarding shortening the net in the outfield to protect against balls going out in to the parking lot. Council Members discussed the issue. Council Member Cook made the motion to exclude the fencing change from the change order (item 7). Mayor Crist seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

14. Consider/Discuss/Action regarding a Resolution authorizing the use of eminent domain to condemn private property owned by Chan C. Chung and/or others for water and wastewater utilities associated with alterations to F.M. 455 in the City. (City Manager)

Philip Sanders, City Manager presented the item to council. Mayor Crist made the motion that the City of Anna, Texas authorize the use of the power of eminent domain to acquire 618 square feet of land, more or less, in the Granderson Stark Survey, Abstract Number 798, City of Anna, Collin County, Texas, and being part of that certain called 0.2718 acre tract of land described in a deed to Chan C. Chung, as recorded in Volume 5965, Page 2924 of the Official Public Records of Collin County, Texas, said 618 square feet of land being more particularly described by the metes and bounds description set forth in Exhibit "A" to this resolution, which I incorporate in full into my motion, for a waterline and wastewater line easement. Council Member Cook seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

15. Consider/Discuss/Action regarding a Resolution authorizing the use of eminent domain to condemn private property owned by Charles K. Green and/or others for water and wastewater utilities associated with alterations to F. M. 455 in the City. (City Manager)

City Manager, Philip Sanders presented the item to council. Council Member Cook made the motion that the City of Anna, Texas authorize the use of the power of eminent domain to acquire 1,247 square feet of land, more or less, in the Granderson Stark Survey, Abstract Number 798, City of Anna, Collin County, Texas, and being part of that certain called 0.275 acre tract of land described in a deed to Charles K. Green, as recorded in Volume 5858, Page 3868 of the Official Public Records of Collin County, Texas, said 1,247 square feet of land being more particularly described by the metes and bounds

description set forth in Exhibit "A" to this resolution, which I incorporate in full into my motion, for a waterline and wastewater line easement. Mayor Crist seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

16. Consider/Discuss/Action regarding an Resolution adopting use classification for "Private Event/Meeting Hall" (Maurice Schwanke)

Maurice Schwanke, director of Planning and Development presented the item to council and answered council member's questions. City Attorney, Clark McCoy answered question concerning TABC and alcohol use at the facility. Joyce Logue spoke in favor of the classification. Council Member Geren made the motion to approve. Council Member Bryan seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

17. Consider/Discuss/Action regarding a Resolution casting votes for the TMLIEBP Board of Trustees election. (Clayton Fulton)

Clayton Fulton, Director of Finance presented the item to council. Council Member Geren made the motion to nominate Gale A. Sims. Mayor Crist seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

18. Consider/Discuss/Action regarding a Resolution casting votes for the TMLIRP Board of Trustees election. (Clayton Fulton)

Clayton Fulton, Director of Finance presented the item to council. Mayor Crist made the motion to nominate Greg Ingham for Place 11. Council Member Cook seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

Mayor Crist nominated Pete Gonzalez for Place 12. Council Member Glover seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

Mayor Crist made the motion to nominate Byron Black for Place 13. Council Member Cook seconded the motion. Motion fails.

AYE 2 (CC Cook and Mayor Crist) NAY 3 ABSTAIN 0

Council Member Bryan nominated Keith Olson for Place 13. Council Member Geren seconds the motion. Motion passes.

AYE 3 NAY 2 (CC Cook and Mayor Crist) ABSTAIN 0

Mayor Crist nominated Cynthia Kirk for Place 14. Council Member Geren seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

19. Staff briefing on the Wildfire Network. (Chief Jenks)

Chief Jenks presented the item to council. Council viewed a short video on the Wildfire Network. Council was receptive to the idea of a security system around the city's parks and trails.

Council Member Glover made the motion to enter closed session at 8:49 pm. Council Member Bryan seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

20. CLOSED SESSION (EXCEPTIONS): Under Tex. Gov't Code Chapter 551, the City Council may enter into closed session to discuss any items listed or referenced on this agenda under the following exceptions:

a. consult with legal counsel regarding pending or contemplated litigation and/or on matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code (Tex. Gov't Code §551.071). Anticipated litigation with Amazing Solar Solutions; "City of Anna v. City of Weston, Cause No. 380-02570-2011, in the 380th District Court of Collin County, Texas"; "City of Anna v. Walmart Inc., et al.; Cause No. 429-00288-2009, in the 429th District Court of Collin County, Texas"; NTMWD wastewater customer status request.

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the territory of the City of Anna and with which the Board is conducting economic development negotiations; or (2) To deliberate the offer of a financial or other incentive to a business prospect described by subdivision (1). (Tex. Gov't Code §551.087): discussion regarding an Economic Development Incentive Agreement for a business looking to locate in Anna.

The council further reserves the right to enter into executive session at any time throughout any duly noticed meeting under any applicable exception to the Open Meetings Act.

Council Member Bryan made the motion to return to open session at 9:40 pm. Council Member Geren seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

21. Consider/Discuss/Action on any items listed on posted agenda for September 25,2012 City of Anna Workshop Session or any closed session occurring during this Regular Meeting, as necessary.

Council Member Geren made the motion to take no action. Mayor Crist seconded the motion. Motion passes.

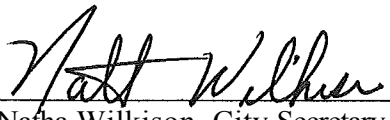
AYE 5 NAY 0 ABSTAIN 0

22. Adjourn.

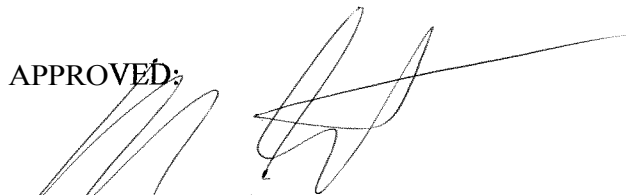
Mayor Crist made the motion to adjourn at 9:41 pm. Council Member Cook seconded the motion. Motion passes.

AYE 5 NAY 0 ABSTAIN 0

ATTEST:


Natha Wilkison, City Secretary

APPROVED:


Mike Crist, Mayor

